Saskatchewan Human Rights Commission

2002 - 2003 ANNUAL REPORT
OUR 30TH YEAR

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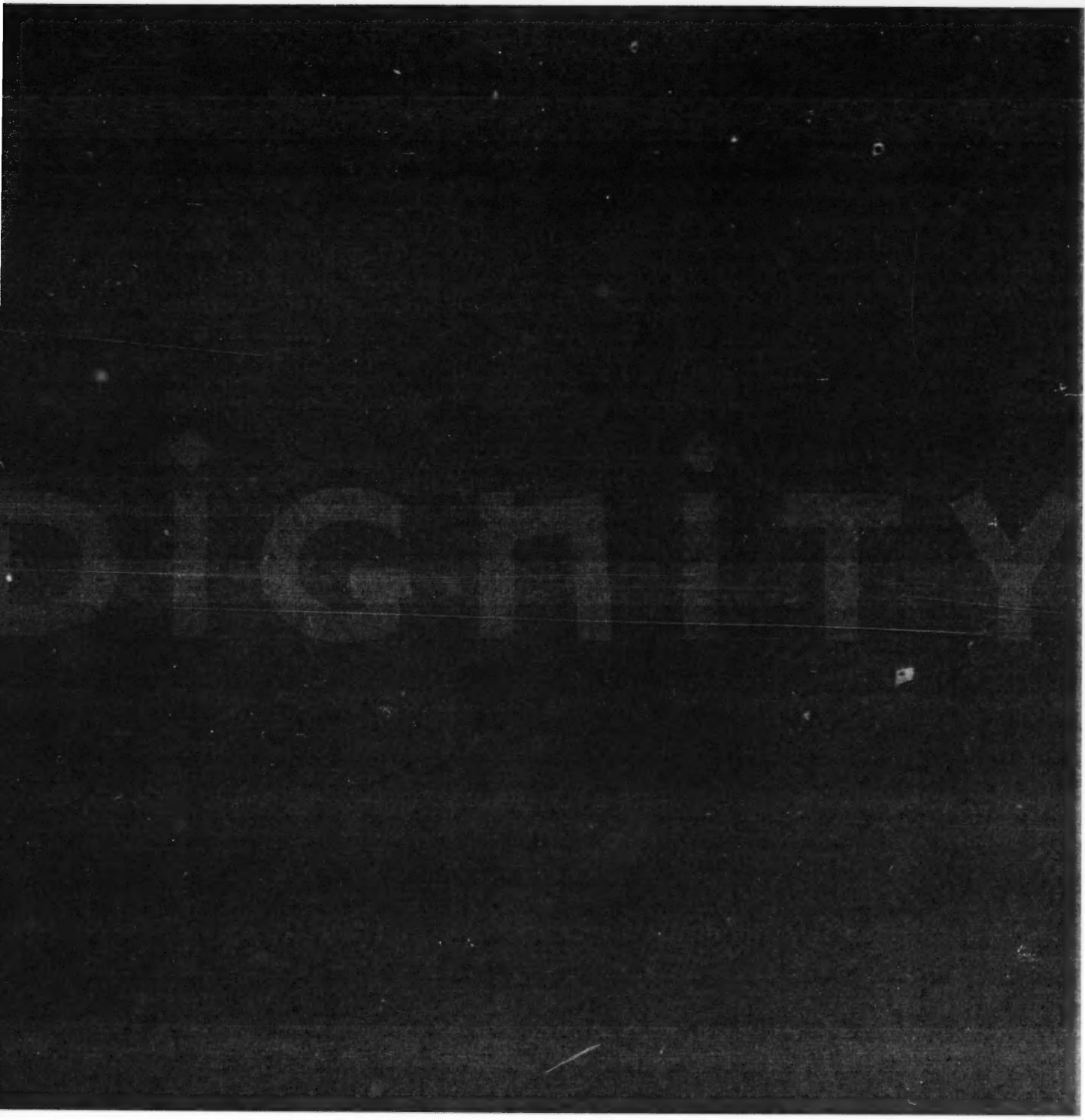

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June 30, 2003

The Honourable Eric Cline, Q.C.

Minister of Justice

Legislative Building

Regina, Saskatchewan

S4S 0B3

Dear Minister Cline,

In accordance with section 49 of *The Saskatchewan Human Rights Code*, it is my privilege to submit to you the 2002-2003 annual report of the Saskatchewan Human Rights Commission.

This report reflects the activities of the Commission from April 1, 2002 to March 31, 2003.

Sincerely,

Donna Scott

Donna Scott
Chief Commissioner

This year marked the 30th anniversary of the Saskatchewan Human Rights Commission. Since opening its doors in 1972, the Commission faced one of its most challenging years, due to an increased demand for its services and a significant budget reduction.

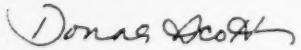
Throughout the past 30 years, the Commission has been part of a national and a global movement focused on defining and refining our fundamental human rights. During those years, the subject of human rights has become firmly embedded in our popular culture and language. Writer and historian Michael Ignatieff refers to the transformation in the way we think of ourselves as citizens as the "rights revolution," one which is still running its course.

I would suggest there has also been a rights "evolution." Discrimination was once viewed as a direct and blatant act. We now understand that it can also be subtle and complex, often the result of systemic influences. Issues such as the duty to accommodate differences, equality for same-sex partners, discrimination based on poverty or social condition, anti-terrorism legislation and racial profiling could not have been foreseen 30 years ago. Yet, at the same time, racism, sexism and homophobia have remained ruthlessly persistent.

The condition of First Nations and Métis peoples has become arguably one of the most pressing human rights issues in our province. The increased urbanization of Aboriginal peoples has resulted in widespread discrimination against them in the areas of public services, housing, education, justice and employment.

If we are to protect human rights in our challenging and changing society, institutions charged with rights protection must be strengthened through legislative change and adequate funding. Appropriate, stable funding is fundamental to the effective and legitimate operation of a human rights commission. The Paris Principles, a set of international standards for human rights institutions, specifically point to the importance of sufficient funding of commissions to ensure independence from government. Commitment to equality and inclusion must be translated into real resources for the institutions created to protect those principles.

At the time the Commission was established, broad support existed for the advancement of human rights. After three decades, that support must be renewed – to ensure the voices promoting equality and inclusion do not become marginalized and to prevent the progress achieved thus far from being eroded. In a province where our population is becoming increasingly diverse and where new immigrants, First Nations and Métis peoples struggle to find their place, the Commission can play a key role in a community-wide strategy to ensure that our diversity becomes our strength.



Donna Scott
Chief Commissioner

The 30th anniversary of the Commission was marked in the Legislative Assembly of Saskatchewan on December 10, 2002, International Human Rights Day. Justice Minister Chris Axworthy spoke of the province's special place in the history of promoting human rights in Canada. In 1947, *The Saskatchewan Bill of Rights Act* was passed.

Established in 1972, the Saskatchewan Human Rights Commission is celebrating its 30th year.

Subsequently, other jurisdictions in Canada began passing broad legislation to address the serious issue of discrimination. Saskatchewan's human rights legislation evolved and progressed steadily through the years with the consolidation of anti-discrimination laws in *The Saskatchewan Human Rights Code* in 1979. Over the years, the Commission has been involved in cases that refined human rights law and forwarded human rights principles.

This year, freedom of expression and hate speech were profiled in news headlines. Balancing the right to equality and freedom of expression can be a complex and difficult task. When free speech and the right to freedom from unfair, illegal discrimination come into conflict, the law attempts to strike a balance that is appropriate in the specific circumstances.

The right to freedom of expression has never been absolute. Canadian laws have always recognized that completely unfettered expression can sometimes cause serious harm. Hate propaganda robs entire groups of their right to equal dignity and respect. It reduces them to negative stereotypes regardless of their individual qualities, for reasons like gender, ancestry or religion.

The law prohibits hate propaganda where messages of hatred or contempt are likely to deprive groups of rights they have been guaranteed by law. Hate speech and propaganda can create deep divisions within our community and must not be tolerated.

Partnering with the Aboriginal community has been an important part of the Commission's work. The Commission has incorporated talking circles into complaint mediation to provide a more culturally relevant process for resolving ancestry complaints. It has traveled to northern communities to open a dialogue about rights and learn how the Commission can provide services to northern residents in a more effective manner. In June 2002, *The Rights Path*, a handbook on human rights issues for urban Aboriginal people, was launched. This year, the Commission began discussions with the Aboriginal Friendship Centres of Saskatchewan to develop a joint project involving human rights advocacy and public educational services to Aboriginal people.

In June 2002, the Commission launched a comprehensive review of its employment and education equity programs, with a goal of opening its services to a broad range of initiatives promoting diversity and inclusion. The Commission released a discussion paper in November, which proposed a program that promotes partnerships, connects public, education and employment initiatives and facilitates the sharing of information and resources. The new model will accelerate the process of positive change by broadening the scope of special programs and streamlining monitoring requirements.

2002-2003 brought renewal to the leadership of the Commission. Donna Scott was re-appointed in July 2002 for her second five-year term as Chief Commissioner. Regina-based lawyer John Hill, an active member of the Indigenous Bar Association, was appointed to the Commission in July 2002. Commissioner Marjorie Hutchinson completed her term in March 2003. A long-time trade unionist, she served on the Commission since 1994. The term of Deputy Chief Commissioner Lynn Archdekin will expire in April 2003. Her insights on disability and other human rights issues have been an invaluable asset to the Commission. The Commission thanks both Ms. Hutchison and Ms. Archdekin for their leadership and contribution to the advancement of human rights in the province.

The Commission continues to work in partnership with advocacy organizations across Canada. This year, the supervisor of special programs was invited to Ottawa by the equality branch of the Canadian Union of Public Employees to discuss Saskatchewan's employment equity program. The Commission was pleased to host representatives from the Ontario Human Right Commission to discuss Saskatchewan's recent *Code* amendments. The Chief Commissioner served as second vice-president to the Canadian Association of Statutory Human Rights Agencies (CASHRA). Recently, CASHRA recommended that social condition be added to federal, provincial and territorial human rights legislation, recognizing that discrimination against poor Canadians is creating barriers to their full participation in society. This year, CASHRA presented a formal submission to the Government of British Columbia opposing its decision to dissolve the human rights commission in that province. CASHRA stated that Canada, and all its provinces and territories, have an obligation under the United Nations to establish and maintain commissions.

Public education is a key component of the Commission's mandate. *The Saskatchewan Human Rights Code* sets out a vision of a just society in which people do not experience discrimination. As required by section 25 of the *Code*, the Commission works to prevent discrimination and eliminate its root causes through public education, communications, research and special programs. See page 32 for a list of educational presentations conducted in 2002-2003.

Last year was a challenging year for public outreach. With a reduction in the 2002-2003 budget, non-supervisory education and program staff were cut from two full-time and one part-time staff to only three part-time employees. The Commission also experienced a vacancy in the communications coordinator position for eight months. With the reduction in its budget, the Commission ceased publication of its newsletters: *SaskRights* and *Equity Forum*.

The Commission's educational capacity was cut almost in half. Many requests for presentations and customized seminars could not be accommodated. Public presentations were reduced to 74 compared with 129 the year before.

Lost educational opportunities can have an unfortunate ripple effect. Agencies may not request educational support if they perceive the Commission lacks the resources to provide it. In turn, lack of knowledge may lead to *Code* violations and costly discrimination complaints. Despite these limitations, the Commission developed new initiatives, using limited resources in a focused and strategic manner to achieve maximum impact.

First launched as a pilot project in March 2002, the SHRC (Saskatchewan Human Rights Commission) Seminar Series was expanded last year. A series of public, half-day seminars on Human Rights in the Workplace and Reasonable Accommodation were presented in Regina, Saskatoon, Prince Albert and Moose Jaw. The seminars provided an opportunity to reach new audiences and make human rights information more broadly available. The Commission provided five additional seminars tailored to the needs of specific groups.

Media coverage of human rights decisions and settlements continues to be an effective way to increase public awareness of incidents of discrimination. In 2002-2003, the Commission expanded its archive of media releases on its Web site, **www.gov.sk.ca/shrc**. Saskatchewan's daily newspapers also published opinion pieces by the Chief Commissioner on December 10, International Human Rights Day, and March 21, International Day for the Elimination of Racism.

Community outreach and partnerships represent another important aspect of public education. Commission staff helped organize and participated in special events such as June 21, National Aboriginal Day, and the International Day for the Elimination of Racism. On March 21, the Deputy Minister of Justice raised awareness of racism by distributing the Commission's *Erasing Racism* publication to all staff in the Department. The Commission continued to provide consultation services, offer a human rights perspective in policy and planning initiatives, and organize informational displays. Last year, the Commission participated in 36 events of this nature.

In 2002-2003, the Commission provided 74 seminars and presentations, participated in 36 community outreach or partnership events and filled numerous requests for information.

Serving the needs of Aboriginal and northern residents remains an important priority for the Commission. On National Aboriginal Day, the Commission participated in the simultaneous launch of *The Rights Path* booklet in Regina, Saskatoon and Prince Albert. Since then, the Commission has distributed over 6,000 copies of the handbook.

The Rights Path gives practical information to urban Aboriginal people about rights relating to children, education, families, employment, social assistance, housing, health care, criminal justice and seniors. The handbook is available free of charge from Aboriginal Friendship Centres throughout the province and from the Commission offices.

Building on past success, the Commission began to discuss a formal partnership with the Aboriginal Friendship Centres of Saskatchewan. The joint project will be designed to meet the specific needs of the Aboriginal community and will involve both educational and advocacy components.

- Develop and expand the SHRC Seminar Series.
- Continue to provide public education in a strategic way.
- Continue to develop the Aboriginal Human Rights Initiative.
- Redesign and develop the Commission's Web site.

The Saskatchewan Human Rights Code protects Saskatchewan residents' right to equality without discrimination. People who believe they have experienced discrimination may outline their concerns to the Commission by calling, writing, or meeting with an intake consultant. The intake consultant will assess whether the Commission has jurisdiction to take a complaint and whether there are reasonable grounds to believe the Code has been violated. At this point, the complainant signs a complaint form and the respondent is advised of the complaint. Complaints may be resolved at any stage, including preliminary discussions with a respondent.

The Chief Commissioner may: direct a complaint to mediation, investigation or settlement efforts; defer the complaint pending the outcome of another proceeding, such as a union grievance; dismiss the complaint; or direct the complaint to the Saskatchewan Human Rights Tribunal for an inquiry.

Where a complaint is referred to the Tribunal, a hearing may be held where witnesses will be called and evidence presented. Where the Commission dismisses a complaint, the complainant may ask the Tribunal to hold an inquiry into the matter. The Tribunal is independent of the Commission.

Amendments to the *Code* have improved internal processing of complaints, achieving the objective of streamlining the handling of complaints. The number of file dispositions rose to 327 from 228 the previous year. The Commission adopted a new decision-making model, a case conference, which operates similarly to a round table or circle. The investigator, staff lawyer, supervisor of investigations and Chief Commissioner discuss the complaint file in a collaborative way before the Chief Commissioner makes her final decision.

In 2002-2003, the Commission received 3840 inquiries and opened 319 complaint files.

A goal for 2002-2003 was to increase the proportion of complaints resolved through mediation, focussing on resolution rather than adjudication. The Commission allocated resources to this area and adopted a flexible process to provide complainants access to mediation at all stages. With the addition of new expertise, the number of mediated settlements grew to 76 from 50 the previous year (25% of all dispositions). Mediation allows more avenues to remedy the hurt caused by discrimination and provides an opportunity for both the complainant and respondent to be heard. Mediated settlements can take into account the context in which the discrimination has occurred, providing a remedy that is appropriate for the circumstances.

Complaints filed by grounds, 2002-2003

A	mental or physical disability	42.6%
B	sex	28.2%
C	ancestry	20.7%
D	age	3.4%
E	religion	3.4%
F	marital status	3.1%
G	family status	2.8%
H	sexual orientation	2.8%
I	receipt of public assistance	1.6%
J	other	3.8%

NOTE: Some complaints allege several kinds of discrimination. For this reason, the total exceeds 100% (see table 1, p. 34).

The Commission continues to address systemic discrimination, which impacts whole groups of people. In 2002-2003, the Commission monitored the changes being made to improve the special needs transit system in Saskatoon and continued investigation into a number of gender-based wage discrimination complaints.

For the fourth consecutive year, discrimination based on disability accounted for the largest number of complaints (42.6% of all complaints). More than 80 per cent of these allegations originated in the workplace. The growing proportion of disability complaints is a national trend and may reflect recent decisions by the Supreme Court of Canada clarifying the duty of reasonable accommodation.

Gender complaints account for the second largest number of complaints. In 2002-2003, the Commission received 90 gender complaints (28.2% of all complaints). Women continue to bring forward complaints of pregnancy discrimination, even though this form of discrimination has been illegal since the 1970s. Last year, the Commission received 24 allegations of pregnancy discrimination in employment, representing nine per cent of all workplace complaints.

Complaints based on ancestry comprise the third largest group (20.7% of all complaints). Aboriginal ancestry complaints represent 6.6 per cent of all complaints while another 14.1 per cent were based on discrimination because of race, perceived race, colour, nationality or place or origin. The largest number of Aboriginal ancestry complaints occurred in the denial of public services, although the number of allegations has decreased from those reported in 2001-2002. Trends of discrimination based on disability, sex and ancestry over the past five years are shown on page 34.

- Continue to increase the proportion of complaints resolved through mediation.
- Reduce or eliminate any backlogs in the investigative process.
- Provide on-going training to staff relating to the new complaint process.

2002-2003 was a transitional year for the Commission. Decisions were made by a board of inquiry appointed prior to the *Code* amendments as well as by the newly formed Saskatchewan Human Rights Tribunal. Some decisions were appealed to the courts.

Decisions by the Saskatchewan Human Rights Tribunal are posted on its Web site, www.saskhrt.ca.

Ancestry

Peter Lam v. Westfair Foods Ltd. *May 9, 2002*

Peter Lam, a person of Asian ancestry, brought a complaint to the Commission after a co-worker at the Yorkton Superstore referred to two Chinese customers as "Chinamen." A board of inquiry found the conduct of the employer, Westfair Foods Ltd., was not discriminatory. In the decision, the board highlighted the employer's workplace harassment policy and the thorough investigation it conducted. The co-worker was disciplined for his use of discriminatory language and the store conducted a seminar for its managers and supervisors on harassment and workplace sensitivity to different cultures. There was no evidence that the store was a "poisoned" work environment or that the harassment was other than an isolated incident.

Disability

Betty Ann Campbell v. Derochers Hotel Limited *July 16, 2002*

Betty Ann Campbell, a dishwasher for a Hudson Bay restaurant, suffered from cataracts. Despite her continued efforts to discuss her return to work following eye surgery, Ms. Campbell's employer refused to allow her to return. In the decision, the tribunal stated that denial of work based on a visual impairment is a form of discrimination on the basis of disability. The complainant was awarded $5,808 compensation for lost wages and $500 for the injury to her feelings, dignity and self-respect.

Pregnancy

Sandra Kimbriel v. Dr. Hassan A. Mohamed *January 31, 2003*

When on maternity leave, Sandra Kimbriel, a cardiologist's receptionist, was told that her position had been abolished even though she was willing and able to return to work. The tribunal found that her employer had hired a permanent receptionist during her absence and refused to allow Ms. Kimbriel to return to her position, discriminating against her on the basis of pregnancy. She was awarded $6,325 compensation for lost wages and $2,000 for injury to feelings and self-respect.

Sexual Harassment

Tracey Grimard v. 602507 Saskatchewan Ltd. and Robert Saga *January 29, 2003*

Tracey Grimard, a female server, was pinched by a male customer at the Grandma Lee's restaurant at the Armed Forces base in Moose Jaw. She raised the issue with the military police at the base. The day after the customer was arrested she received a letter of termination from her employer. The tribunal concluded that the dismissal was the result of Ms. Grimard's response to sexual harassment and, in effect, the employer was condoning the discrimination and allowing the conduct to invade the workplace. She was awarded compensation for lost wages of $1,026 and $2,000 for the injury to her feelings, dignity and self-respect.

In the decision, the tribunal noted the law clearly establishes that responsibility for eliminating discriminatory conditions in the workplace, and for maintaining a healthy work environment, rests with the employer. An employer has control over how it responds to discriminatory conduct in that workplace, regardless of how the conduct occurred.

Ancestry

Elwood Friday v. Westfair Foods Ltd. *December 6, 2002*

Elwood Friday, a man of Aboriginal ancestry, brought forward a complaint of discrimination. A security guard, who noticed Mr. Friday's unsteady gait, followed him around a Superstore in Regina. He watched as Mr. Friday picked up a bottle of Lysol and other cleaning products and items, but did not approach him. The guard then followed Mr. Friday to the checkout counter. At the till, the guard picked up the Lysol and demanded Mr. Friday leave the store. Not knowing why he was being treated in this manner, Mr. Friday became upset. Believing Mr. Friday was drunk, the guard followed him to his car, told him the police had been called and that he must come back into the store to wait for them to arrive.

In considering whether the security guard had relied on stereotypes, the tribunal noted that he had not observed red eyes, the smell of alcohol, or other indications of intoxication. Rather, the guard discriminated on the basis of ancestry, drawing his conclusion from the fact that Mr. Friday had difficulty walking, had purchased Lysol and was Aboriginal. In fact, Mr. Friday walked with a slight limp, the result of a stroke.

The tribunal found that Mr. Friday suffered a great deal of humiliation. It awarded him $5,000 in compensation, the maximum amount allowable at the time. The storeowners, Westfair Foods Ltd., were ordered to provide additional training to its security staff in order to allow them to assess possible intoxication in a manner that goes beyond stereotypes. While storeowners must follow the laws with respect to the sale of certain products, they cannot do so in a way that violates the *Code*.

Disability

Government of Saskatchewan, PEBA v. Norman Browning *December 9, 2002*

Norman Browning, a Government of Saskatchewan employee was denied benefits under the Public Employees Benefits Agency (PEBA) Disability Income Plan after having contributed to the plan and using it in the past. PEBA assessed Mr. Browning as falling under a section of the plan that applied to alcohol or drug addiction. Mr. Browning denied this section applied to him, but the Commission also argued that, under this section, Mr. Browning was required to meet discriminatory conditions in order to receive benefits. This section had more onerous conditions concerning treatment of alcohol and drug addiction than did the more general section requiring treatment for those with other types of disabilities. The effect of the discriminatory section as applied to Mr. Browning was not to promote treatment, but simply to disqualify him from the plan.

PEBA acknowledged that alcoholism could be treated as a disability within the definition of the *Code*. The Court of Queen's Bench, upholding a May 28, 2002 board of inquiry decision, found that the clause excluding coverage for a disability caused or contributed to by chronic alcoholism was discriminatory and struck it down.

Sexual Orientation

Hugh Owens v. Gens Hellquist, Jason Roy & Jeff Dobbs *December 11, 2002*

The Court of Queen's Bench dismissed the appeal of Hugh Owens. The Court upheld the board decision that the complainants were exposed to hatred and ridicule when Mr. Owens placed an advertisement in the StarPhoenix. The advertisement consisted of a picture of two men holding hands inside a red circle with a line through it – the universal symbol for "not allowed" – and four references to the Bible. Mr. Owen's freedom of expression did not extend to publicly expressing his views in this manner.

Accessibility

Henry Ripplinger and HRK Fine Art Ltd. v. Saskatchewan Human Rights Commission *April 24, 2002*

The Court of Appeal upheld the Court of Queen's Bench decision that a 1998 board of inquiry was within its jurisdiction when it ordered Henry Ripplinger, a Regina business owner, to install at least one wheelchair-accessible washroom in his Regina business, an art gallery, café, gift shop and tea room.

The matter began in 1991 when Judith Ryan complained to the Commission that the art gallery could only be entered by stairs and was inaccessible to her as a wheelchair user.

Marital Status

Heather Ennis v. Prince Albert Elks Club *September 26, 2002*

Heather Ennis was fired from her job as the manager of the Prince Albert Elks Club when it was learned she was married to an inmate at the Saskatchewan Penitentiary. The initial board of inquiry found the discrimination was specific to the relationship between the inmate and Ms. Ennis and not based on her marital status. The Court of Queen's Bench upheld this decision, which was subsequently overturned by the Court of Appeal.

The Court of Appeal found that the Prince Albert Elks Club had violated the *Code*. Ms. Ennis was qualified for the manager's position and there were no grounds for termination. She was fired because of her husband's status as an inmate and not because of his personal characteristics. He was a member of a class of persons, an inmate in a penitentiary, convicted of a serious crime and serving a long sentence. The *Code* seeks to discourage and eliminate judgmental decisions based on group characteristics.

It was held that the courts must give a large and liberal interpretation of rights to ensure the objects of the legislation are attained. The Elks Club fired Ms. Ennis not because of who she was or her abilities but because of the person to whom she was married.

May Doris Fee v. The Power Corporation Superannuation Board *June 26, 2002*

May Doris Fee complained to the Commission in November 1998 that she was discriminated against because of her marital status. She argued that she was entitled to a survivor benefit from her late ex-husband's pension. A board of inquiry found there was no discrimination against Ms. Fee. It ruled that the denial of survivor's benefits was a consequence of divorce.

The Commission appealed the board decision to the Court of Queen's Bench, arguing that because Ms. Fee was married to her husband at the time of his retirement she was eligible to receive a survivor's benefit. The Court of Queen's Bench upheld the board decision, noting that, prior to their divorce, the Fees entered into a property settlement agreement in which Ms. Fee waived any right she may have had to her husband's property, including pension benefits. The Commission has appealed.

Through mediation or negotiation, settlements were reached in 76 complaints brought to the Commission last year. The following are examples of the complaints settled in 2002-2003.

Electronic gate provides easy access

A parent brought an action against a store after her child, a wheelchair user, was unable to enter the store without the assistance of an attendant because of the security gate placed at the store entrance. A settlement was reached in which the store installed a new electronic gate, which allows wheelchair users to open the gate independently by simply pressing a button.

Special needs transit accepts bus passes

A woman claimed that the City of Saskatoon was discriminating against her disabled husband by selling monthly bus passes to users of the regular bus service but not to users of the special needs transit system. In the settlement, the City changed its policy to accept monthly passes on the special needs buses as well.

Settlement brings changes to harassment policy

A security worker was harassed by her supervisor who made sexually suggestive remarks, threats and direct, physical advances towards her. She repeatedly told him that she was uncomfortable with his behavior and asked him to stop. When notified of the complaint, the company suspended the individual and investigated the incident. The supervisor was terminated and the company agreed to mediation. In the settlement, the company agreed to pay $5,500 for any injury to feelings and self-respect, make changes to its harassment policy and bring the complainant back to work when she was ready. A facilitator was hired to educate staff as well as assist the employee with her return to the workplace.

Pregnant woman compensated for lost benefits

A pregnant woman was receiving workers' compensation benefits as a result of an injury to her right arm and hand. She was receiving treatment from a physiotherapist and undergoing occupational therapy; however, her doctor advised her to discontinue therapy because of the risk created to her pregnancy. Upon learning that she had discontinued therapy, the Workers' Compensation Board revoked her benefits. The woman filed a complaint alleging that she was discriminated against and denied services on the basis of her sex (pregnancy). In reaching a settlement, the Board agreed to pay the woman over $13,500 as full compensation for any loss or damage she suffered.

Apology published in community paper

While on maternity leave, an employee at a pharmacy was scheduled to have a hysterectomy. When she inquired about her return date following her surgery, her employer informed her that she was terminated. He noted she had a conflict with another employee and that the employee who had replaced her did not want her hours reduced. She filed a complaint on the grounds of discrimination based on sex (pregnancy) and disability. Her employer disclosed the details of the complaint to the other employee who was refusing to work with her. The complaint soon became common knowledge in her small community. Through mediation, the employer agreed to publish an apology in the local newspaper for the humiliation caused by allowing her private information to become public.

Pride Day brings about policy review

An organization requested that June 24, 2000 be proclaimed as Gay, Lesbian and Bisexual Pride Day in Saskatchewan. The request was denied while other requests for proclamations were routinely accepted. In reaching a settlement, the authority agreed to retroactively declare Pride Week 2000 and amend their policy to clarify the use of proclamations and ensure compliance with *Code*. The organization received a written apology and compensation for hurt feelings and loss of self-respect.

Facility accommodates Aboriginal culture and spirituality

An Aboriginal man was incarcerated in a correctional facility that subsequently developed a policy banning cigarette smoking. The man argued that it was Aboriginal custom to present tobacco to elders, to burn a small amount daily as part of their beliefs and to carry some with them for good blessings. He alleged that the facility discriminated against him because of his ancestry. In the settlement, the facility agreed to provide compensation for any loss or damage. Both sides agreed to review the concept of accommodating Aboriginal culture and spirituality within the facility and the corrections system as a whole.

Store apologizes for monitoring shoppers

A mother shopping with her two sons in a department store was subjected to racial stereotyping. Her sons, who are of Aboriginal ancestry, were repeatedly singled out in the store by employees who made announcements over the intercom suggesting security staff monitor the toy department where they were shopping. There was no reason to have them under surveillance. In reaching a settlement, the department store agreed to pay to each of the boys $1,000 accompanied by a letter of apology.

The Saskatchewan Human Rights Code declares every person to be free and equal in dignity and rights, but recognizes that this ideal cannot be achieved through the complaint system alone. The legislation provides for broad, proactive initiatives to transform social institutions and accelerate the process of needed change. Under section 47 of the *Code*, the Commission approves special programs designed to reduce the disadvantages experienced because of discrimination.

In 2002-2003, the number of Saskatchewan students benefiting from equity plans increased to 100,000.

To date, the Commission's programs have focused on four equity groups: Aboriginal people, people with disabilities, visible minorities and women in management and non-traditional occupations. These groups, in particular, have been denied equal opportunities in education and employment.

Special programs like employment and education equity face new demands and a rapidly changing environment. Demographic trends and Saskatchewan's aging workforce make development of a representative workforce an urgent priority. The Commission acknowledges the challenge to accommodate and facilitate a broad range of initiatives addressing the common goals of fairness, diversity and inclusion through a simple, accessible process. At the same time, the Commission sees greater potential than ever before to transform and modernize our valued educational and public institutions.

Following feedback from the community and a reduction in its operating budget, the Commission launched a comprehensive review of its special programs. Over the past 20 years, equity practitioners have acquired expertise in an increasingly complex field, and employers have enlarged the scope of their plans to include community outreach, work-education partnerships and business relationships. Building on this experience, the Commission released a discussion paper entitled *Towards a Culture of Equality, Inclusion and Respect* in November 2002. The discussion paper proposes a new model for special programs – one based on modern circumstances, broader principles and a simpler process.

Consultations followed with more than 100 groups and individuals, including equity program sponsors, government officials, community-based organizations and educational partners, through focus groups, individual meetings and written feedback. The community consultation was a rich dialogue, producing a wealth of insights and concrete, constructive suggestions. The Commission will release a report on the review in 2003.

Over the past 20 years, Saskatchewan's employers and educators have participated in voluntary, flexible and stakeholder-driven equity programs. Employers devise their own strategies and timetables for change and the Commission works with the equity sponsors to develop resources, best practices and indicators of success.

Many employers recognize the business advantages of diversity in the workforce: better customer service, a broader range of job applicants, enrichment of workplace culture, and the creative energy generated by a variety of perspectives. Voluntary plans approved by the Commission now cover approximately 10 per cent of Saskatchewan's workforce.

Equity programs have also produced positive, measurable results. For example, Aboriginal representation in the total sponsor workforce has more than doubled since 1993, growing from three to 7.6 per cent. Within the provincial government workforce, Aboriginal representation has risen to 9.8 per cent. However, attracting more Aboriginal employees is needed to create a truly representative workforce.

More than 44,500 Saskatchewan workers representing 37 employers have employment equity plans approved by the Commission. In 2002-2003, the Commission welcomed two new employers as equity sponsors.

- At a news conference in October 2002, the **Saskatoon Police Service** announced its equity plan covering 386 employees. It sees a representative workforce as essential to achieving the goals of community policing and good service to the City's diverse population.
- In January 2003, **Saskatchewan Liquor and Gaming Authority**, with 1402 employees, adopted an equity plan to support and complement its current Aboriginal partnership with Government Relations and Aboriginal Affairs. In its initial workforce survey, the Authority received an exceptionally high response rate (90%), partly resulting from the awareness of the new equity program raised during staff discussions prior to the survey.

Equity sponsors range in size from the Regina Women's Community Centre with seven employees to the Government of Saskatchewan with approximately 13,400 employees. Employers include Crown and Treasury Board corporations, municipalities, educational institutions, professional associations, health care providers, police services, community-based organizations and private businesses.

In 1985, the Commission established the kindergarten to Grade 12 education equity program as a response to the extremely high dropout rates among Aboriginal students. The fundamental goal of the program is to ensure equality of educational benefit for all students. Plans focus on curriculum, school policies and practices, cross-cultural training, parental involvement, anti-discrimination measures and efforts to increase the representation of Aboriginal teaching and non-teaching staff.

In June 2002, the Commission approved the plan of **Saskatchewan Rivers School Division**. The Division serves 7,800 students, of whom 32.7 per cent are Aboriginal. Its comprehensive equity plan features an Aboriginal Cultural Advisor Program, a youth services pilot for students at risk of failure, high speed Internet access for rural schools and numerous community partnerships.

Currently, 17 school divisions with over 79,000 students have education equity plans. Taking into account the employment equity plan of the Regina Public School Division, with its over 22,000 students, the total number of students benefiting from education and employment equity plans exceeds 100,000. In addition, the Commission has approved education equity plans for 10 post-secondary institutions.

The Equity in Education Forum complements the work of the Commission. Representatives from the Gabriel Dumont Institute, the League of Educational Administrators, Directors and Superintendents, Saskatchewan Learning, the Saskatchewan School Trustees Association, the Saskatchewan Teachers' Federation, the University of Regina and the University of Saskatchewan provide direction for new initiatives.

Our Children, Our Communities and Our Future, a policy framework produced by the Forum in 1997, focused on equity in schools. The framework identifies a need for gender equity and the need to expand the scope of education equity to include Aboriginal students, students with exceptional needs, rural and northern students and students at risk of school failure because of social or emotional problems. The Commission encourages all school divisions to expand the scope of their approved plans in this way.

The Commission has the authority to grant exemptions from the *Code* to employers, public service providers, educational institutions, landlords and organizations to carry out activities or give preferential treatment. Exemptions are granted in situations where it is necessary to promote human rights principles of fairness and equality or to complement an existing equity program. Eighteen new exemptions were granted in 2002-2003, bringing the total number of exemptions to 174. Examples of exemptions appear on the next page.

The **Northwest Industrial Training Program (NITP)** in Meadow Lake was granted an exemption to ask applicants about their ancestry and age/date of birth. NITP was formed to attract young people from the northwest region of the province to the apprenticed trades. The program is open to all individuals, regardless of race, age and education or experience. Their exemption provided access to federal funding designated for individuals aged 18 to 29 as well as funding from Aboriginal and Métis organizations targeted at youth members.

Saskatchewan Learning received an extension of their exemption to have all school boards and conseils scolaires in the province restrict the awarding of certain training bursaries to teachers of Aboriginal ancestry. The exemption is part of an initiative to increase the number of secondary teachers and school principals of Aboriginal ancestry, providing positive role models that will result in more Aboriginal students completing their education.

A number of health regions have exemptions for the preferential hiring of staff to meet specific client needs and ensure the dignity of patients. Last year, the **Saskatoon Health Region** was granted an exemption to give preference on the basis of gender when hiring home health aides, according to caseloads. Aides can only be assigned on the basis of gender if the client prefers care from a caregiver of the same sex.

The health region also received an exemption for their *Healthy Mother, Healthy Baby* program. A significant number of clients of the program are Aboriginal and many times request an Aboriginal nurse to attend to their needs. The exemption provided the region the opportunity to advertise a vacant nursing position with a preference for an Aboriginal nurse.

The Commission is currently examining the relationship between exemptions and employment equity programs as part of its review of special programs.

- Complete the special programs review and develop procedures to support a new program.
- Organize a conference of key players in equity, diversity and representative workforce initiatives.
- Clarify the relationship of equity programs to exemptions granted under the *Code*.
- Develop strategies for expanding special programs and coordinating equity initiatives in education, employment and public services.

Human Rights Commissioners are appointed for five-year terms. The Commissioners met seven times in 2002-2003 to set policy, review complaints and special programs and grant exemptions. The Commissioners participated in many educational activities and continued to liaise with government and with community organizations, working to advance the cause of human rights.

(L to R) Lynn Archdekin, Marjorie Hutchinson, Christine Lwanga, John Hill and Donna Scott

Donna Scott, Chief Commissioner
Donna Scott is serving her second five-year term as Chief Commissioner. First appointed in October 1996, she was re-appointed in November 1997 and July 2002. Ms. Scott received her Bachelor of Arts and law degrees from the University of Saskatchewan. Admitted to the Saskatchewan Bar in 1982, she engaged in private practice until becoming a Crown Solicitor with Saskatchewan Justice in 1986. She has served on the Board of Directors of the Elizabeth Fry Society and is past president of the Public Legal Education Association of Saskatchewan. In 2001, she represented the Canadian Association of Statutory Human Rights Agencies in Geneva, Switzerland, in preparation for the United Nations World Conference Against Racism. In November 2002, Ms. Scott was awarded the Queen's Golden Jubilee Medal in recognition of her dedication to promoting human rights issues within the community.

Lynn Archdekin, Deputy Chief Commissioner
Lynn Archdekin, a Saskatoon businesswoman with a diverse background in the business arena and extensive knowledge of employee benefits, served as Commissioner from 1993-2003. She has two professional designations: CEBS (Certified Employee Benefit Specialist) and FLMI (Fellow of the Life Management Institute). Ms. Archdekin, an active member of the Canadian Paraplegic Association, brought to the Commission her experience and perspective as a wheelchair user.

John Hill
John Hill was born and raised in southwestern Ontario and is a member of the Oneida Nation of the Thames, one of the six Nations of the Iroquois Confederacy. He studied political science and economics at the University of Western Ontario and received his law degree from the University of Saskatchewan in 1994. From 1994-1996, he worked as senior policy consultant for Saskatchewan Indian and Métis Affairs Secretariat. A partner with the Hunter Miller law firm in Regina, Mr. Hill's practice includes civil litigation with a particular focus on Aboriginal law. An active member of the Indigenous Bar Association, he participates in educational outreach as a teacher, presenter and contributing writer. Mr. Hill was appointed to the Commission in July 2002.

Marjorie Hutchinson
Marjorie Hutchinson has extensive experience in human rights and labour issues. A long-time trade unionist, she was actively involved in the Office and Professional Employees International Union where she acted as shop steward and member of the negotiating and women's committees. Ms. Hutchinson has facilitated courses sponsored by the Canadian Labour Congress. She served as Commissioner from 1994-2003.

Christine Lwanga
A social activist, Christine Lwanga is currently involved in the development of an inclusive, critical approach to anti-racism. She was actively involved in the community with reporting and follow-up from the United Nations World Conference Against Racism, held in Durban, South Africa in 2001. Ms. Lwanga serves on the South Saskatchewan Committee on Immigration and is an educator of human rights. She has a Master's degree in Business Administration and is currently completing a Masters in Social Work at the University of Regina. Ms. Lwanga was appointed to the Commission in 1994 and re-appointed in 1999.

Professional human rights staff and administrators carry out the Commission's daily work. In 2002-2003, the Commission had the equivalent of 17.8 full-time employees, including individuals who worked on a full-time, part-time, casual or temporary basis.

Laurie Adrian Rude, Investigator/Facilitator
Connie Braun, Investigator/Facilitator
Jan Cadman, Secretary
Linda Charlton, Education & Equity Advisor
Pat Cook, Intake Consultant
Faye Davis, Human Resources Coordinator
Dianne Derkson, Secretary
Lois Henderson, Budget Coordinator
Tim Korol, Investigator/Facilitator
Don Lafreniere, Investigator/Facilitator
Genevieve Leslie, Supervisor of Public & Special Programs
Bev MacSorley, Secretary
Kaye Munro, Secretary
Chinwe Onwuekwe, Investigator/Facilitator
Yoanna Orman-Cleveland, Secretary
Gerry Parenteau, Investigator/Facilitator
Bill Rafoss, Supervisor of Mediations & Investigations
Karen Ross, Secretary
Karen Topolinski, Investigator/Facilitator
Yvonne Turgeon, Communications Coordinator
Milton Woodard, Q.C., Senior Staff Solicitor

John Abraham, Investigator/Facilitator
Heidi Chan, Secretary
Laurena Daniels, Intake Consultant
Lisa Donovan, Secretary
Jenny Heeg, Investigator/Facilitator*
Don Howden, Investigator/Facilitator*
Rebecca McLellan, Manager of Operations
Robin McMillan, Investigator/Facilitator
Fran Passmore, Investigator/Facilitator
Julie Powell, Investigator/Facilitator
Mirjana Topalovic, Secretary
Heather Veresh Monus, Education & Equity Advisor
Pearl Ulmer, Secretary

*Currently on leave

We promote and protect the individual dignity, fundamental freedoms and equal rights of all members of the human family.

The Commission's goals, derived from *The Saskatchewan Human Rights Code*, are to:

- discourage and eliminate discrimination;
- investigate and resolve discrimination complaints quickly and effectively;
- support and seek remedies for individuals and groups who suffer discrimination;
- promote, approve and monitor employment and education equity programs;
- promote research and education strategies to advance the principles of equality and diversity, and to encourage understanding of human rights issues;
- provide leadership on human rights related public policy development and implementation; and
- promote advances in human rights legislation and protection.

The Commission provided 74 seminars and presentations and participated in 36 community outreach and partnership events in 2002-2003.

Educational institutions & organizations

Cochrane High School, Regina
Greenall School, Balgonie
MacNeill School, Regina
Peacock Collegiate, Moose Jaw
Queen Elizabeth School, Saskatoon
Saskatchewan Indian Federated College, Saskatoon
Saskatchewan Institute of Applied Science and Technology, Saskatoon, Prince Albert & Regina (4)
Saskatchewan Teachers' Federation
Saskatoon Business College
Scott Collegiate, Regina
Universal Career College, Saskatoon
University of Regina: Faculty of Administration, Faculty of Social Work (3) & the Saskatchewan Police College
University of Saskatchewan: Department of Native Studies
Walter Murray Collegiate, Saskatoon

Professional, business & labour organizations

Canadian Bar Association, Administrative Law Section, Regina
Canadian Union of Public Employees, Equality Branch, Ottawa
Saskatchewan Association of Health Organizations, Regina & Swift Current (3)
Saskatchewan Construction Safety Association, Saskatoon (2)
Saskatchewan Dental Assistants' Association, Saskatoon
Saskatchewan Employment Equity and Diversity Association, Regina
Saskatchewan Legal Education Society, Saskatoon & Regina

Employers & government

Child Care Centre Co-operative, Regina
City of Saskatoon (4)
Lucky Man Band Council, Saskatoon
Occupational Health & Safety Branch, Saskatchewan Labour, Saskatoon
Office of the Ombudsman, Saskatoon & Regina
Prairie Lube Ltd., Regina
Public Service Commission, Regina

Community-based organizations

Interprovincial Association on Native Employment, Regina
Learning Disabilities Association, Regina
Open Door Society, Regina & Saskatoon
Provincial Interagency Network on Disability, Regina
Radius Community Centre, Saskatoon (2)
Saskatchewan Deaf and Hard of Hearing Services, Regina
Saskatchewan Intercultural Association, Mentorship Program, Saskatoon (2)
Saskatoon Employment Access Resource Centre for Human Services
South Saskatchewan Independent Living Centre, Regina

Conferences, public consultations & events

Canadian Association of Statutory Human Rights Agencies Conference, Charlottetown, PEI
Commission on First Nations and Métis Peoples and Justice Reform, Saskatoon
International Day for the Elimination of Racism, Saskatoon
National Aboriginal Day, Saskatoon
New North Conference and Annual General Meeting, La Ronge
Saskatchewan Teachers' Federation, Western Conference, Saskatoon
Social Sciences Symposium, Saskatchewan Learning, Saskatoon

Staff presented six half-day seminars on Human Rights in the Workplace and Reasonable Accommodation in Moose Jaw, Prince Albert, Regina and Saskatoon. Staff also fulfilled requests for seminars from the following organizations:

City of Prince Albert
Northlands College, La Ronge
Saskatchewan Employment Equity and Diversity Association, Regina
Saskatoon Health Region
Work Education Teachers, Saskatoon

City of Prince Albert	394
City of Regina	2,279
City of Saskatoon	2,470
Community (Saskatoon) Health Services Association	128
Crown Investments Corporation	74
Government of Saskatchewan	13,021
John Howard Society	N/A
Law Society of Saskatchewan	2
Northlands College	113
Parkland Regional College	72
Prince Albert Co-operative Health Centre	99
Regina Police Service	451
Regina School Division No. 4	2,037
Regina Women's Community Centre	7
Saskatchewan Communications Network	22
Saskatchewan Crop Insurance Corporation	484
Saskatchewan Gaming Corporation	607
Saskatchewan Government Insurance	1,588
Saskatchewan Human Rights Commission	33
Saskatchewan Institute of Applied Science & Technology (SIAST)	25
Saskatchewan Legal Aid Commission	141
Saskatchewan Liquor and Gaming Authority	1,402
Saskatchewan Opportunities Corporation	90
Saskatchewan Property Management Corporation	1,093
Saskatchewan Research Council	217
Saskatchewan Teachers' Federation	89
Saskatchewan Transportation Company	234
Saskatchewan Water Corporation	229
Saskatchewan Watershed Authority	26
Saskatoon Police Service	386
SaskEnergy	984
SaskPower	2,452
SaskTel	4,246
The Co-operators	507
University of Regina	1,089
University of Saskatchewan	4,010
Weyerhaeuser Saskatchewan	1,649

Battlefords
Biggar
Broadview
Cupar
Indian Head
LandsWest
North West Catholic
Northern Lakes
Northern Lights
Prince Albert Catholic
Regina Catholic
Saskatchewan Rivers
Saskatoon Catholic
Saskatoon Public
Scenic Valley
Turtleford
Wadena

College of Arts and Science, University of Saskatchewan
College of Dentistry, University of Saskatchewan
College of Medicine, University of Saskatchewan
College of Nursing, University of Saskatchewan
College of Pharmacy and Nutrition, University of Saskatchewan
Gabriel Dumont Institute (GDI) and Saskatchewan Urban Teacher Education Program (SUNTEP)
Northern Teacher Education Program (NORTEP) and Northern Professional Access Program (NORPAC)
Saskatchewan Institute of Applied Science and Technology (SIAST)
School of Physical Therapy, University of Saskatchewan
Western College of Veterinary Medicine

*The Commission limited its monitoring of equity plans in 2002-2003 to conduct a review of special programs. Employee numbers listed are from 2001-2002.

1. NEW COMPLAINTS FILED BY SOCIAL AREA AND GROUNDS CITED (2002-2003)

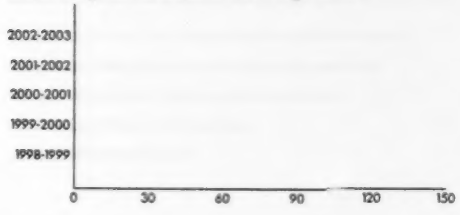
Total number of complaint files: 319

Category	Age	Aborig. Ancestry	Other Ancest.	Marital Status	Mental Disab.	Phys. Disab.	Religion	Sexual Harass.	Sex/ Other	Sex/ Preg.	Family Status	Sexual Orient.	Public Assist.	Other	**Total**	Grounds Cited	Total Complaints
Application forms	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	0.6%	0.6%
Bill of Rights	0	0	0	0	0	0	0	0	0	0	0	0	0	4	4	1.1%	1.3%
Contracts	2	0	0	0	2	1	0	0	1	0	0	0	0	0	6	1.7%	1.9%
Education	0	1	0	0	1	2	0	0	0	0	0	0	0	0	4	1.1%	1.3%
Employment	8	5	22	7	15	96	7	47	15	24	6	5	0	2	259	72.1%	81.2%
Housing	0	0	6	0	0	3	0	0	0	0	1	0	3	0	13	3.6%	4.1%
Occupations	0	0	1	0	0	1	0	0	0	0	0	0	0	0	2	0.6%	0.6%
Public services	1	15	13	2	1	14	3	2	1	0	2	1	1	1	57	15.9%	17.9%
Publications	0	0	3	0	0	0	1	0	0	0	0	3	1	0	8	2.2%	2.5%
Reprisals	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	0.6%	0.6%
Other	0	0	0	1	0	0	0	0	0	0	0	0	0	1	2	0.6%	0.6%
Total grounds	**11**	**21**	**45**	**10**	**19**	**117**	**11**	**49**	**17**	**24**	**9**	**9**	**5**	**12**	**359**	**100%**	*
Grounds cited	3.1%	5.8%	12.5%	2.8%	5.3%	32.6%	3.1%	13.6%	4.7%	6.7%	2.5%	2.5%	1.4%	3.3%	100%		
Total complaints	3.4%	6.6%	14.1%	3.1%	6%	36.7%	3.4%	15.4%	5.3%	7.5%	2.8%	2.8%	1.6%	3.8%	*		

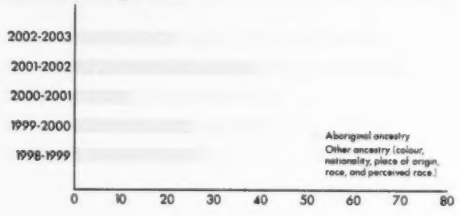
*NOTE: Some complaints allege several kinds of discrimination. For this reason, the total number of grounds cited (359) exceeds the total number of complaints filed. The total number of complaints filed in 2002-2003 was 319.

2. FIVE-YEAR TRENDS OF DISCRIMINATION COMPLAINTS (1998-2003)

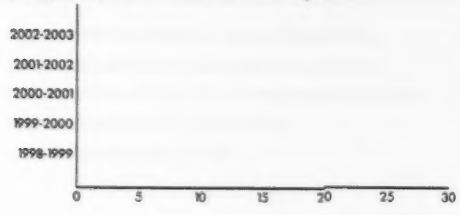
Disability discrimination complaints



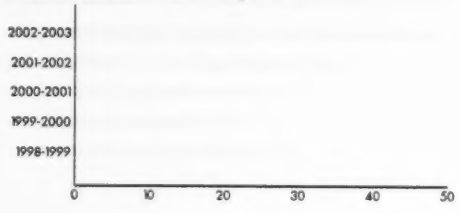
Racism complaints



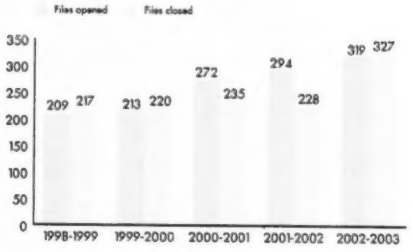
Pregnancy discrimination complaints



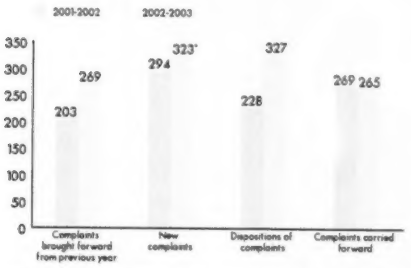
Sexual harassment complaints



3. FILES OPENED AND CLOSED

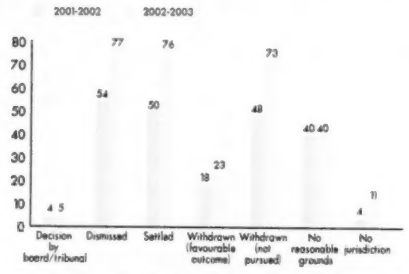


4. PROCESSING OF COMPLAINTS



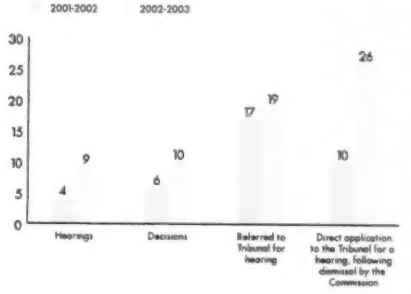
* Four files were re-opened in 2002-2003 which increased the number of files opened from 319 to 323.

5. DISPOSITION OF COMPLAINT FILES



NOTE: Other files closed but not shown in this table: 22 (2002-2003) and 10 (2001-2002).

6. LEGAL ACTIVITIES



7. BUDGET

In 2002-2003, the Commission operated with an approved budget of $1.19 million and a staff of 17.8 full-time equivalents (FTEs).

	1998-1999	1999-2000	2000-2001	2001-2002	2002-2003
FTEs	20.3	20.3	20.3	20.3	17.8
Salaries, benefits and honororia	$880,000	$925,000	$929,000	$1,079,000	$1,046,000
Operating expenses	$147,000	$207,000*	$147,000	$147,000	$147,000
Total	**$1,027,000**	**$1,132,000**	**$1,076,000**	**$1,226,000**	**$1,193,000**

*Operating expenses were increased by $60,000 in 1999-2000 for Y2K costs.

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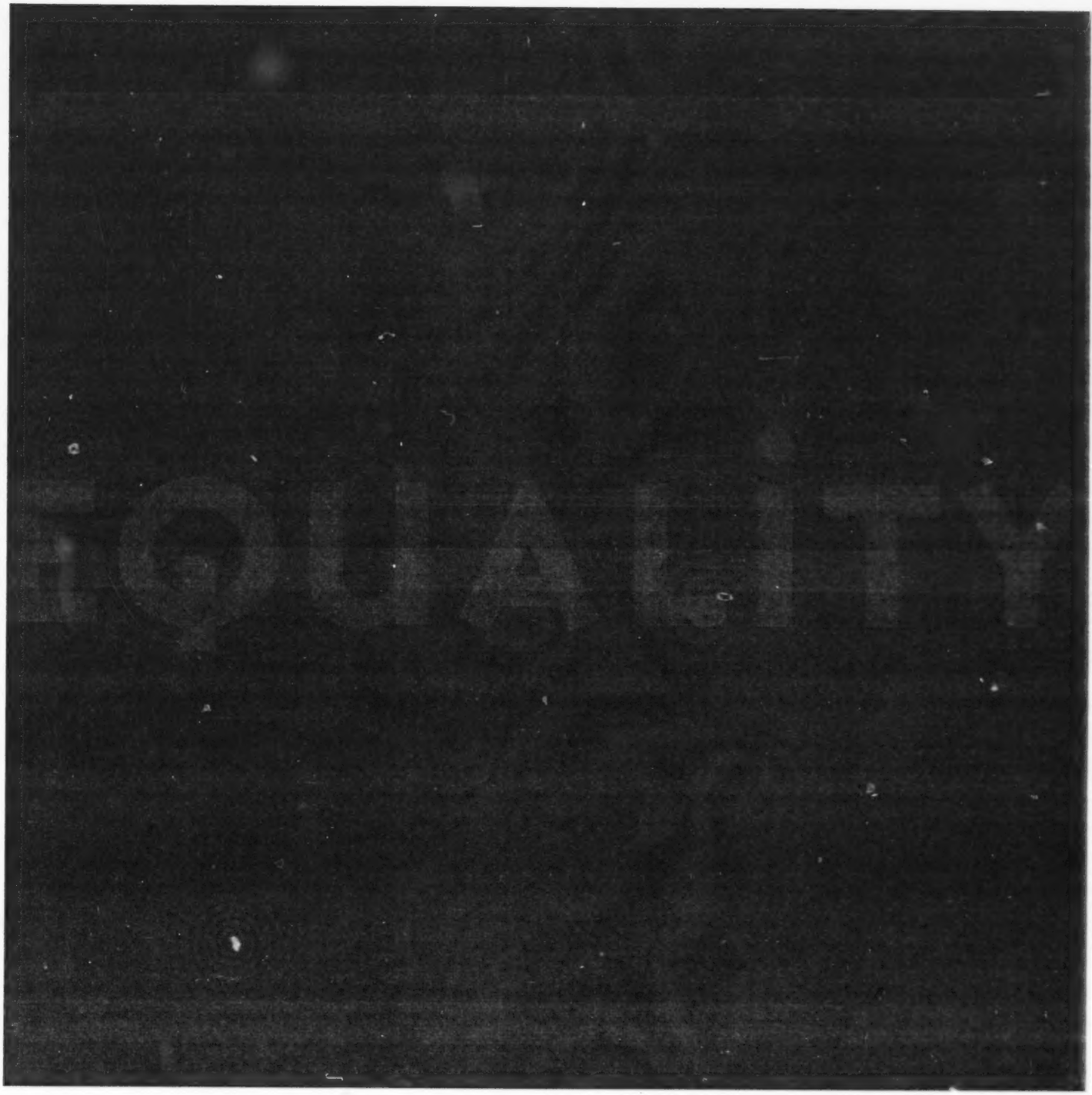
ISOLATION

COURAGE

FREEDOM

PEACE

DIGNITY

RESPECT

EQUALITY

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